

60,130-1847; 02MRA0353

REMARKS

Claims 1-12 remain in the application including independent claim 1. New claims 13-18 have been added including independent claim 16. Claims 3-7 and 10 have been amended to overcome the 35 U.S.C. 112, second paragraph, rejections. Applicant asserts that all 35 U.S.C. 112, second paragraph, rejections have been overcome.

Claims 1-6 and 8-12 stand rejected under 35 U.S.C. 102(b) as being anticipated by JP 57208331. Claim 1 has been amended to clarify that the annular disc has first and second brake portions where the first brake portion is connected to the annular mounting flange. Claim 1 has also been amended to clarify that the ventilation vanes are positioned between the first and second brake portions with the inner vane portion extending inwardly of a radial inner edge of the second brake portion.

The Japanese reference does not disclose this configuration. As shown in Figure 2 of the Japanese reference, the brake halves of the brake assembly are identical and are defined by a common radial inner edge. The vanes or fins 2 disclosed in the Japanese references do not extend beyond this common radial inner edge. Further, there is no showing in the Japanese reference of one of the brake halves extending radially inwardly of the other brake half. The Japanese reference simply does not disclose the combination of features as set forth in amended claim 1. Thus, applicant respectfully requests that the rejection under 35 U.S.C. 102(b) be withdrawn.

If the examiner continues to apply this Japanese reference to any claims, applicant respectfully requests that the examiner obtain a translation of the reference, and provide applicant

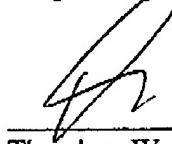
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with a copy of the translation. The English abstract supplied by the examiner is insufficient to fully understand the teachings and benefits of JP 57208331. See Ex parte Gavin, 62 USPQ2d 1680 (U.S. Patent and Trademark Office Board of Patent Appeals and Interferences, 2001). “[O]btaining translations is the responsibility of the examiner. A review by the examiner and applicant of translations of the prior art relied upon in support of the examiner’s rejection may supply additional relevant evidence on issues of anticipation and obviousness . . . and may eliminate the need for an appeal.” Id. at 1684.

Claim 7 stands rejected under 35 U.S.C. 103(a) as being unpatentable over JP 57208331 in view of JP 2000240695. This rejection is moot in light of the amendments made above. Again, if the examiner continues to apply this reference, applicant respectfully requests that the examiner obtain a translation of the reference.

Applicant believes that all claims are in condition for allowance and respectfully requests an indication of such. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,



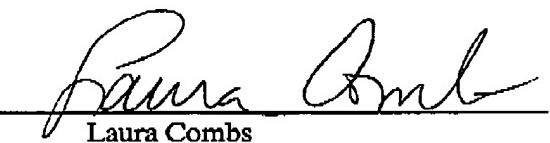
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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, fax number (703) 872-9306, on January 17, 2005.

  
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Laura Combs